

EXHIBIT 1

STATUS:**S1602-A VOLKER**

Correction Law

TITLE....Extends protection from discrimination to current employees and licensees

01/23/07 REFERRED TO CRIME VICTIMS, CRIME AND CORRECTION

05/15/07 1ST REPORT CAL.1089

05/16/07 2ND REPORT CAL.

05/21/07 ADVANCED TO THIRD READING

05/30/07 PASSED SENATE

05/30/07 DELIVERED TO ASSEMBLY

05/30/07 referred to correction

06/08/07 RECALLED FROM ASSEMBLY

06/08/07 returned to senate

06/11/07 VOTE RECONSIDERED - RESTORED TO THIRD READING

06/11/07 AMENDED ON THIRD READING 1602A

06/14/07 REPASSED SENATE

06/14/07 RETURNED TO ASSEMBLY

06/14/07 referred to correction

06/14/07 substituted for a3208a

06/14/07 ordered to third reading cal.45

06/20/07 passed assembly

06/20/07 returned to senate

07/06/07 DELIVERED TO GOVERNOR

07/18/07 SIGNED CHAP.284

SUMMARY:

VOLKER

Amd SS750 - 753, Cor L

Extends protection from discrimination to current employees and licensees; establishes written statements shall include an explanation of how the employer weighed certain factors upon denial or revocation of license or denial or termination of employment.

EFF. DATE 07/18/2007

VOTING:

06/14/07	S1602-A	Senate Vote	Aye: 62	Nay: 0
05/30/07	S1602	Senate Vote	Aye: 60	Nay: 0

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06/14/07	S1602-A	Senate Vote	Aye: 62	Nay: 0
Aye Adams	Aye Alesi	Aye Bonacic	Aye Breslin	
Aye Bruno	Aye Connor	Aye DeFrancisco	Aye Diaz	
Aye Dilan	Aye Duane	Aye Farley	Aye Flanagan	
Aye Fuschillo	Aye Golden	Aye Gonzalez	Aye Griffo	
Aye Hannon	Aye Hassell-Thompson	Aye Huntley	Aye Johnson C	
Aye Johnson O	Aye Klein	Aye Krueger	Aye Kruger	
Aye Lanza	Aye Larkin	Aye LaValle	Aye Leibell	
Aye Libous	Aye Little	Aye Maltese	Aye Marcellino	
Aye Maziarz	Aye Montgomery	Aye Morahan	Aye Nozzolio	
Aye Onorato	Aye Oppenheimer	Aye Padavan	Aye Parker	
Aye Perkins	Aye Rath	Aye Robach	Aye Sabini	
Aye Saland	Aye Sampson	Aye Savino	Aye Schneiderman	
Aye Serrano	Aye Seward	Aye Skelos	Aye Smith	
Aye Stachowski	Aye Stavisky	Aye Stewart-Cousins	Aye Thompson	

Aye Trunzo
Aye Wright

Aye Valesky
Aye Young

Aye Volker

Aye Winner

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05/30/07 S1602 Senate Vote Aye: 60 Nay: 0

Aye Adams	Aye Alesi	Aye Bonacic	Aye Breslin
Aye Bruno	Aye Connor	Aye DeFrancisco	Aye Diaz
Aye Dilan	Aye Duane	Aye Farley	Aye Flanagan
Aye Fuschillo	Aye Golden	Aye Gonzalez	Aye Griffo
Aye Hannon	Aye Hassell-Thompson	Exc Huntley	Aye Johnson C
Aye Johnson O	Aye Klein	Aye Krueger	Aye Kruger
Aye Lanza	Aye Larkin	Aye LaValle	Aye Leibell
Aye Libous	Aye Little	Aye Maltese	Aye Marcellino
Aye Maziarz	Aye Montgomery	Aye Morahan	Aye Nozzolio
Exc Onorato	Aye Oppenheimer	Aye Padavan	Aye Parker
Aye Perkins	Aye Rath	Aye Robach	Aye Sabini
Aye Saland	Aye Sampson	Aye Savino	Aye Schneiderman
Aye Serrano	Aye Seward	Aye Skelos	Aye Smith
Aye Stachowski	Aye Stavisky	Aye Stewart-Cousins	Aye Thompson
Aye Trunzo	Aye Valesky	Aye Volker	Aye Winner
Aye Wright	Aye Young		

SPONSORS MEMO:

NEW YORK STATE SENATE INTRODUCER'S MEMORANDUM IN SUPPORT submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S1602A

SPONSOR: VOLKER

TITLE OF BILL:

An act to amend the correction law, in relation to extending protection from discrimination to current employees and licensees

PURPOSE:

The bill extends the provisions of Article 23-A of the Correction Law to prohibit unfair discrimination against current employees and license holders who have a previous criminal conviction that is unrelated to the employment or license.

SUMMARY OF PROVISIONS

Section 1 of the bill amends Section 750 of the Correction Law to make the definition of "direct relationship" applicable to current employees and license holders.

Section 2 of the bill amends Section 751 of the Correction Law to make Article 23-A applicable to current employees and license holders.

Section 3 of the bill amends Section 752 of the Correction Law to prohibit discrimination against current employees and license holders based on a previous criminal conviction or convictions unless there is a

direct relationship between the conviction(s) and the duties or responsibilities of the employment or license.

Section 4 of the bill makes a conforming amendment to Section 753 of the Correction Law.

Section 5 of the bill provides that it shall take effect immediately.

JUSTIFICATION:

Article 23-A of the Correction Law currently prohibits unfair discrimination against individuals with criminal records whose convictions are unrelated to the job or license sought and do not constitute a threat to safety. The law further encourages "the licensure and employment of persons previously convicted of one or more criminal offenses." However, the statutes inapplicability to current employees and licensees have limited the intended protections of the law.

The anti-discrimination protections in Section 752 of the Correction Law currently apply only to applicants for employment or occupational licenses who have criminal convictions. The law provides no protection to current employees or license holders who face unfair discrimination based on criminal records that predate their employment or licensure. This bill extends the anti-discrimination protections to current employees and license holders whose convictions predate employment or licensure and were not improperly denied by the applicant in response to legal inquiries from the employer or licensing agent.

With the advent of the computer age and all the other means by which criminal history information can be obtained, employers have easy access to criminal history information, leading more employers to refuse to hire, or fire individuals with criminal records. This bill is necessary in order to ensure that New York's strong, long-standing policy of encouraging the employment of qualified individuals with criminal records is enforced.

LEGISLATIVE HISTORY:

Similar to S.7730A/A.10986A, Veto #401.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

The bill takes effect immediately.

CHAPTER TEXT:

LAWS OF NEW YORK, 2007

CHAPTER 284

AN ACT to amend the correction law, in relation to extending protection from discrimination to current employees and licensees

Became a law July 18, 2007, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 750 of the correction law, as added by chapter 931 of the laws of 1976, is amended to read as follows:

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license [~~or employment sought~~], opportunity, or job in question.

§ 2. Section 751 of the correction law, as added by chapter 931 of the laws of 1976, is amended to read as follows:

§ 751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses[-] in this state or in any other jurisdiction, [~~or any public agency or private employer for a license or employment~~] and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§ 3. Section 752 of the correction law, as added by chapter 931 of the laws of 1976, is amended to read as follows:

§ 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited. No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the [~~applicant's~~] individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the [~~applicant's~~] individual has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or

(2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to

EXPLANATION--Matter in *italics* is new; matter in brackets [-] is old law to be omitted.

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property or to the safety or welfare of specific individuals or the general public.

§ 4. Paragraph (b) of subdivision 1 of section 753 of the correction law, as added by chapter 931 of the laws of 1976, is amended to read as follows:

(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

§ 5. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly
